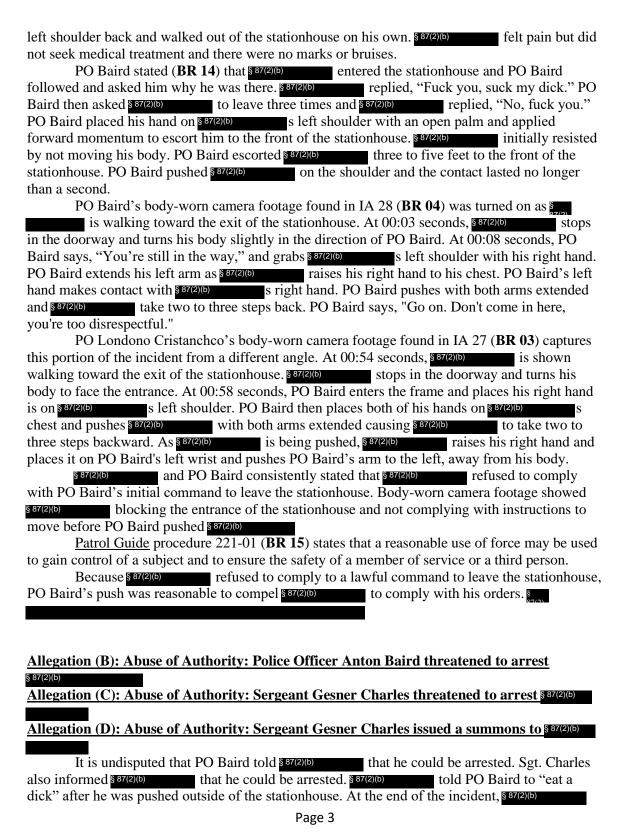
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	M	Force		Discourt.	☐ U.S	S.
Kelly Lyon		Squad #10	201810384	<u> </u>	Abuse		O.L.	— □ Inj	ury
Incident Date(s)		Location of Incident:		Precinct:		18 Mo. SOL EO		EO S	SOL
Thursday, 10/04/2018 4:00 PM	Thursday, 10/04/2018 4:00 PM		71st Precinct stationhouse		71 4/4/2020		11/19	/2020	
Date/Time CV Reported	Date/Time CV Reported		CV Reported At: How CV Reported		Date/Time Received at CCRB				
Thu, 12/13/2018 3:29 PM	'hu, 12/13/2018 3:29 PM		CCRB Phone		Thu, 12/13/2018 3:29 PM				
Complainant/Victim	Туре	Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. POM Anton Baird	08458	956407	071 PCT						
2. SGT Gesner Charles	03036	925061	071 PCT						
TTT1. 0.000 ( )	~		G 137						
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
1. POF Karen Londonocristancho	<b>Shield N</b> 05397		O71 PCT						
, ,		961899							
1. POF Karen Londonocristancho	05397	961899 959612	071 PCT						
POF Karen Londonocristancho     POM Adrian Duran	05397 19454	961899 959612 958413	071 PCT 071 PCT						
<ol> <li>POF Karen Londonocristancho</li> <li>POM Adrian Duran</li> <li>POF Sashawn Clarke</li> </ol>	05397 19454 19957	961899 959612 958413 955863	071 PCT 071 PCT HOU		Inve	estigat	or Recor	nmenda	tion
<ol> <li>POF Karen Londonocristancho</li> <li>POM Adrian Duran</li> <li>POF Sashawn Clarke</li> <li>POM Roger Delfosse</li> </ol>	05397 19454 19957 14900	961899 959612 958413 955863 On	071 PCT 071 PCT HOU 071 PCT	ee	Inve	estigat	or Recor	nmenda	tion
POF Karen Londonocristancho     POM Adrian Duran     POF Sashawn Clarke     POM Roger Delfosse  Officer(s)	05397 19454 19957 14900 Allegation Force: Poagainst	961899 959612 958413 955863 On	071 PCT 071 PCT HOU 071 PCT d used physical force		Inve	estigat	or Recor	nmenda	tion
POF Karen Londonocristancho     POM Adrian Duran     POF Sashawn Clarke     POM Roger Delfosse  Officer(s)  A.POM Anton Baird	05397 19454 19957 14900 Allegation Force: Poagainst S Abuse: Posses Poss	961899 959612 958413 955863 On Olice Officer Anton Bair	071 PCT 071 PCT HOU 071 PCT d used physical forcerd threatened to arre	est	Inve	estigat	or Recor	nmenda	tion

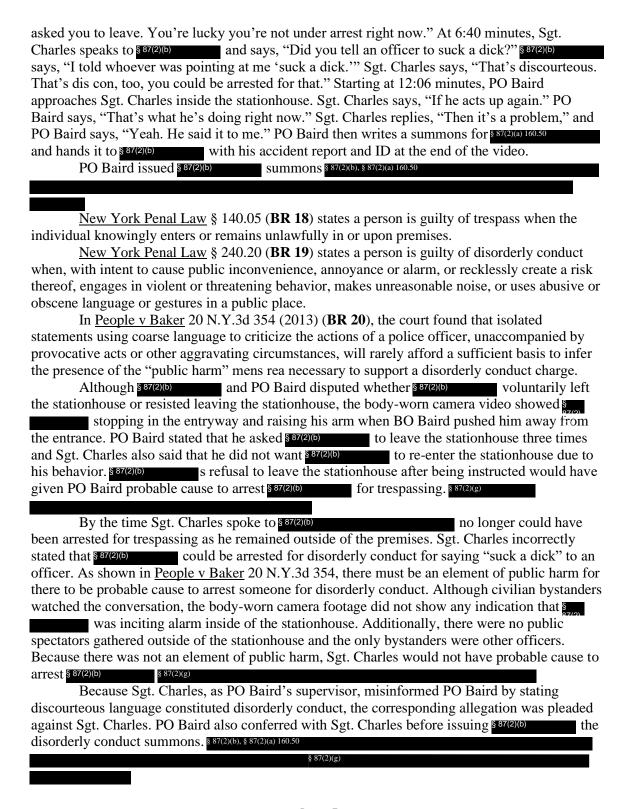
## **Case Summary**

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§ 87(2)(b), § 87(2)(a) 160.50
stated in his verified statement (BR 13) that he used a normal speaking
voice when he said, "I came here to get something, I don't need your help," to PO Baird inside
the stationhouse. When PO Baird grabbed \$87(2)(b) said, "That's
bullshit. Why are you fucking touching me?" PO Baird then said, "If you don't get out I'm going
to arrest you." § 87(2)(b) did not describe his interaction with Sgt. Charles other than that
Sgt. Charles came outside of the stationhouse and asked him what he needed and then went back
inside.
§ 87(2)(b), § 87(2)(a) 160.50
In his CCRB interview ( <b>BR 14</b> ), PO
Baird stated that \$87(2)(b) said, "Fuck you, mind your business," to an auxiliary officer and
showed his middle finger before entering the stationhouse. Once inside, §87(2)(b) said,
"Fuck you, suck my dick," to PO Baird. PO Baird stated to the CCRB that \$87(2)(b)
appeared confrontational based on his body language and facial expression. There were four or
five civilians within the waiting area who appeared alarmed by the interaction and some civilians
may have exited the stationhouse. PO Baird asked §87(2)(6) to leave the stationhouse three
times. §87(2)(b) refused to leave the stationhouse and resisted moving by not moving his
body when PO Baird was escorting him out of the stationhouse. PO Baird told \$87(2)(5) that
he could be arrested for disorderly conduct. § 87(2)(b) refused to leave the area in front of the
stationhouse and asked to speak to a sergeant. PO Baird went inside the stationhouse and told Sgt.
Charles that \$87(2)(b) was cursing when he came inside of the stationhouse to pick up a
report. PO Baird also told Sgt. Charles that \$87(2)(b) said, "Fuck you, suck my dick," to him
and an auxiliary officer and \$87(2)(b) was now outside of the stationhouse refusing to leave.
Sgt. Charles spoke to \$87(2)(b) and said that \$87(2)(b) could obtain his accident report,
but he would not be allowed to come back inside of the stationhouse. PO Baird made the decision
to write \$87(2)(b) a summons for \$87(2)(a) 160.50 and gave it to \$87(2)(b) with his
accident report at the end of the incident.
Sgt. Charles stated ( <b>BR 17</b> ) that he did not see §87(2)(b) inside of the stationhouse.
Sgt. Charles became aware of \$87(2)(b) s presence because he could hear \$87(2)(b)
yelling outside of the stationhouse. Sgt. Charles was near the desk approximately five feet from
the entrance of the stationhouse when he heard [87/2](0) yelling. There were five civilians in
the waiting area who were looking in §87(2)(6) s direction. PO Baird came inside, and
informed Sgt. Charles that \$87(2)(b) had been cursing and taking pictures. Sgt. Charles went
outside of the stationhouse and informed \$87(2)(b) that he would be issued a summons for
disorderly conduct if he continued cursing and he would not be allowed back inside of the
stationhouse. Sgt. Charles also informed \$87(2)(b) that he could be arrested for disorderly
conduct. Sgt. Charles went back inside the stationhouse and had no further interaction with
Sgt. Charles was unable to identify the auxiliary officer.
PO Baird's body-worn camera footage found in IA 28 ( <b>BR 04</b> ) opens with four adults
and one child seated in the waiting area of the stationhouse. Beginning at 00:08 seconds,
s right hand is in front of his chest when PO Baird extends his arms to push
away from the entryway to the stationhouse. At 00:32 seconds, \$87(2)(b) says, "You can eat a dick like I said." \$87(2)(b) remains outside of the stationhouse, makes a
phone call, and speaks to PO Londono Cristancho about talking to a sergeant. At 2:40 minutes,
PO Baird says, "I'm not harassing you, you're harassing everybody else over here. That's why I

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## **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 21**).
- PO Baird has been a member of service for four years and has been a subject in three CCRB complaints and six allegations, none of which were substantiated. [857(2)(g)]
- Sgt Charles has been a member of service for 19 years and has been a subject in six CCRB complaints and 10 allegations, of which four were substantiated.
  - CCRB case 201211897 involved a substantiated allegation of a vehicle search against Sgt. Charles. The Board recommended Command Discipline and the NYPD declined to prosecute.
  - CCRB case 201802489 involved substantiated allegations of speaking discourteously, sexual harassment, and romantic proposition against Sgt. Charles. The Board recommended Command Discipline B and the NYPD has not yet imposed discipline.

## **Mediation, Civil and Criminal Histories**

• On January 4, 2019, this case was sent to mediation and on February 13, 2019, the case was returned to investigation because PO Baird rejected mediation.

As of May 3, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 23).							
Squad No.: 10	)						
Investigator:	Signature	Print Title & Name	Date				
Squad Leader:	Signature	Print Title & Name	Date				
Reviewer:	Signature	Print Title & Name	Date				

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